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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/986,995	11/13/2001	Rudi Koelle	225/50556	6047

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EXAMINER

LUGO, CARLOS

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 12/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/986,995

Applicant(s)

KOELLE ET AL.

Examiner

Carlos Lugo

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,8,9,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) 13 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Drawing Attachment.

DETAILED ACTION

1. This Office Action is in response to applicant's amendment filed on October 30, 2003. Claims 4-7 and 10-12 are cancelled.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the door lock (Claim 1) and the transverse axis (claim 2) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.
4. **Claims 2,3,8 and 9 are rejected** under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 recites the limitation "a transverse axis of the vehicle" in line 6 and "an angle between the guide direction and the transverse axis of the vehicle" in line 7. It is unclear what the applicant is claiming as his invention because the specification and the drawings don't show a transverse axis. Furthermore, the angle is between the guide direction 17 and the longitudinal axis 18, not another axis. the angle α ,

defined by the swiveling axis and the vertical axis, is the one substantially equal to the angle β , defined by the guide direction and the longitudinal axis.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claim 1 is rejected** under 35 U.S.C. 102(b) as being anticipated by EP Pat No 1,099,811 to Agostini.

Agostini discloses a door handle arrangement, for a door of a vehicle having orthogonal longitudinal and vertical axes (located at any convenient point), comprising an outside handle pull (15) pivotally mounted about a swiveling axis at a forward or rear end of the handle pull (at 35). The arrangement further includes a carrier component (30) within a mounting (10), such that the handle pull pivots outward from the door about the swiveling axis when the door lock is opened (Figure 2).

The handle pull further includes a grip portion (16) between the ends of the handle pull. The grip portion and the ends of the handle pull are disposed in a plane perpendicular to a vertical axis of the vehicle door when the handle is in the rest position.

The mounting is designed such that the swiveling axis is tilted in a direction transverse to a longitudinal axis of the vehicle and away from the vertical axis such

that the handle pull pivots upward and outward when the door lock is opened (Figure 2).

Allowable Subject Matter

7. **Claim 2 would be allowable** if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. **Claims 3,8 and 9 would be allowed because depend from claim 2.**

Reasons For Allowable Subject Matter

8. The following is an examiner's statement of reasons for allowable subject matter:

Claim 2 present allowable subject matter over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the angle between the guide direction and the longitudinal axis of the vehicle is substantially equal to the angle formed between the swiveling axis and the vertical axis of the vehicle.

Agostini discloses that the handle pull is guided within a guide mechanism (at 21) at an end that faces away from the pivotally mounted end of the handle pull. The guide mechanism includes sides that defining a guide direction that is tilted relative to a transverse axis of the vehicle (Figure 2).

However, Agostini fails to disclose that the angle between the guide direction and the longitudinal axis of the vehicle is substantially equal to the angle formed between the swiveling axis and the vertical axis of the vehicle.

As seen in the Figure 2 (attachment), the vehicle includes a longitudinal and a vertical axis (at convenient locations). However, Agostini illustrates that no angle is defined because the swiveling axis is parallel to the vertical axis.

Also, Larabet (US 6,234,041) shows the same as Agostini, that the vehicle includes a longitudinal and a vertical axis (at convenient locations), and after locating these axes, there will not be defined an angle because the swiveling axis is parallel to the vertical axis.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

9. The proposed amendment filed on October 30, 2003 overcomes the 102(b) rejection over Wegge, because Wegge fails to disclose that the handle pull is pivotally mounted about a swiveling axis at a forward or a rear end of the handle pull. Wegge discloses that the swiveling axis is located at both sides, not at one side.

However, applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action (102(b) rejection to claim 1 in view of Agostini and 112nd paragraph rejection to claims 2,3,8 and 9).

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office Action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number is 703-305-9747. The examiner can normally be reached on 9-6pm EST.

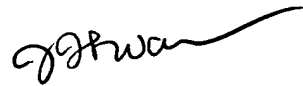
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Art Unit: 3677

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

Carlos Lugo
Examiner
Art Unit 3677

December 4, 2003.


J. J. SWANN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600